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By: Susan C. Berger
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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: HUDSON COUNTY
DOCKET NO, C-194-02

DAVID SAMSON, ATTORNEY
GENERAL OF NEW JERSEY; RENI
ERDOS, DIRECTOR OF THE NEW
JERSEY DIVISION OF CONSUMER :
AFFAIRS; and THE NEW JERSEY :
STATE BOARD OF MEDICAL
EXAMINERS,

CIVIL ACTION

FINAL CONSENT ORDER

Plaintiffs,

v.

HERIBERTO GONZALEZ,

Defendant.

This matter was opened to the court by Plaintiffs, David Samson, Attorney General of New Jersey, the New Jersey State Board of Medical Examiners and Reni Erdos, Director of the Division of Consumer Affairs (Susan C. Berger, Deputy Attorney General, appearing) via the filing of an Order to Show Cause, with Verified

complaint, supporting certifications and a brief seeking temporary--
and permanent restraints following the return date of the Order to
Show Cause. The Verified Complaint alleged that defendant engaged
in conduct constituting the practice of medicine without a license
and that such conduct also constituted the use or employment of
misrepresentations. The Verified Complaint further alleged that on
March 19, 2002, defendant identified himself as Dr. Hesiberto
Gonzalez, N.D., examined a patient, diagnosed a medical condition,
and recommended a remedy for that condition written on a
prescription pad. The defendant denied that his conduct
constituted the practice of medicine. Heriberto Gonzalez (by Ralph
Fucetola III, Esq.) filed an answer and letter brief denying the
allegations of the complaint,

On March 17, 2003 an Interim Consent Order was filed wherein
defendant Heriberto Gonzalez agreed to be permanently enjoined from
engaging in or holding himself out as engaging in the practice of
medicine and surgery, including but not limited to diagnosing,
treating, operating or prescribing for any human disease, pain,
injury, deformity, mental or physical condition, and from using the
title or designation "doctor" or "ND" or "Naturopathic Physician",
"Medico Naturopta" or any other title denoting licensure pursuant
to N.J.S.A. 45:9-1 et seq., unless and until he is duly licensed by
the Board of Medical Examiners to do so; and to be permanently
enjoined from engaging in any unconscionable commercial practice,

fraud, deception, false promise, false pretense or misrepresentation including but not limited to falsely representing himself as a doctor or using any title implying he is authorized to practice medicine, to examine, diagnose or recommend food supplements in violation of the Consumer Fraud Act.

The parties having agreed to the entry of this Final Consent Order and the court having reviewed all the documents submitted and other good cause existing for the entry of the within order;

IT IS ON THIS 14th DAY OF April 2003,

ORDERED:

1. Defendant Heriberto Gonzalez is permanently enjoined from engaging in or holding himself out as engaging in the practice of medicine and surgery, including but not limited to diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity, mental or physical condition, and from using the title or designation "doctor" or "ND" or "Naturopathic Physician", "Medico Naturopta" or any other title denoting licensure pursuant to N.J.S.A. 45:9-1 et seq., unless and until he is duly licensed by the Board of Medical Examiners to do so

2. Defendant Heriberto Gonzalez is permanently enjoined from engaging in any unconscionable commercial practice, fraud, deception, false promise, false pretense or misrepresentation including but not limited to falsely representing himself as a doctor or using any title implying he is authorized to practice

medicine, examining, diagnosing or recommending supplements in violation of the Consumer Fraud Act.

3. Defendant, Heriberto Gonzalez shall pay civil penalties in the amount of \$2,000.00 to the State of New Jersey by certified check or money order payable to the Treasurer, State of New Jersey which shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101. This amount must be paid in full no later than thirty (30) days from the date of the filing of the Final Consent Order. If payment in full is not made by that date, defendant shall also pay to the State interest at the post judgment rate of 3% for the full period that any amount remains outstanding, including the period of time beginning with the date of the filing of the order.

4. Defendant, Heriberto Gonzalez shall pay costs of the investigation in the amount of \$5,171.15 to the State of New Jersey by certified check or money order payable to the Treasurer, State of New Jersey which shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101. \$500.00 of this amount shall be paid simultaneously with respondent's signing of this order, and the remaining \$4,671.15 shall be paid in full no later than thirty (30) days from the date of the filing of the Final Consent Order. If payment in full is

not made by that date, defendant shall also pay to the State interest at the post judgment rate of 3% for the full period that any amount remains outstanding, including the period of time beginning with the date of, the filing of the order.

5. Defendant, Heriberto Gonzalez shall pay attorneys fees in the amount of \$3,861.12 to the State of New Jersey by certified check or money order payable to the Treasurer, State of New Jersey which shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101. This amount must be paid in full no later than thirty (30) days from the date of the filing of the Final Consent Order. If payment in full is not made by that date, defendant shall also pay to the State Interest at the post judgment rate of 3% for the full period that any amount remains outstanding, including the period of time beginning with the date of the filing of the order.


Thomas E. Olivieri, P.J.Ch.

I have read and understand the terms and conditions of the within Order and I agree to be bound by them. I hereby agree to the form and give my consent the entry of this Order.


Heriberto Gonzalez

Consent as to form.

Ramon Picetola III, Esq.

Attorney for defendant Heriberto Gonzalez

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